

REMARKS

The application has been reviewed in light of the Office Action of the United States Patent and Trademark Office mailed October 18, 2004. Claims 1-7 are currently pending in this application. It is gratefully acknowledged that the Examiner has allowed Claims 4-7.

In the Office Action, Claims 1-3 were rejected under 35 U.S.C. §103(a) as anticipated unpatentable over *Krishnamurthi et al.* (U.S. 6,134,434). Additionally, the Examiner has objected to the Abstract.

With regard to the objection to the Abstract, as shown above, the length of the Abstract has been amended to less than 150 words. Accordingly, it is respectfully requested that the objection to the Abstract be withdrawn.

As indicated above, independent Claim 1 was rejected as allegedly being unpatentable over *Krishnamurthi*. More specifically, the Examiner asserts that *Krishnamurthi* teaches all the elements of Claim 1, except for including a service type identifier indicating a concurrent service of the voice and packet data, sending from the first base station a new service identifier, and forming in the mobile station a communication link to the second base station, based on the new service configuration record, which the Examiner asserts would have been obvious to one skilled in the art. However, it is respectfully submitted that the Examiner is incorrect.

Independent Claim 1 is directed to a method for handing off a mobile station (MS) that is concurrently receiving voice and packet data. As such, when a handoff is necessary a target base station (BS) (or second BS) must determine if it can continue to provide the concurrent services, i.e., voice and packet data) to the MS. According to the present invention, the target BS makes this determination using a service type identifier indicating a concurrent service of the voice and packet data and a service configuration record received from an MSC. If the target BS cannot continue to provide the concurrent service, the BS then creates a new service type identifier and

a new service configuration record, which are used to indicate that the target BS can provide one of the previous services to the MS, and are used by the MS to connect to the target BS.

However, while *Krishnamurthi* does acknowledge that it is possible to communicate voice data or packet data between an MS and a BS, it is respectfully submitted that *Krishnamurthi* makes no recitations for performing a handoff when concurrently transmitting voice and packet data. More specifically, it is respectfully submitted that there is no recitation in *Krishnamurthi* of the second base station determining whether it is possible to communicate with the mobile station using a radio resource specified in the service type identifier and the service configuration record, and sending, when it is not possible to communicate with the mobile station, to the mobile switching center a new service type identifier and a new service configuration record indicating that communicating with one of the voice and packet data with the mobile station is possible.

Further, it is respectfully submitted that it would not have been obvious to provide this type of service from the disclosure in *Krishnamurthi*, as is asserted by the Examiner. Accordingly, it is respectfully requested that the rejection of Claim 1 be withdrawn.

Without conceding the patentability per se of dependent Claims 2-3, it is submitted that these claims are allowable at least by virtue of their dependency on independent Claim 1. Reconsideration and allowance of Claims 2-3 is also respectfully requested. Again, it is gratefully acknowledged that the Examiner has allowed Claims 4-7.

Accordingly, all of the claims pending in the Application, namely, Claims 1-7, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



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